

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

2009 MAR 26 PM 3:45

CLERK OF DISTRICT COURT
WESTERN DISTRICT OF TEXAS

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BY DEPUTY

ADVOCACY, INCORPORATED,
PLAINTIFF,

V.

ADELAIDE HORN, IN HER OFFICIAL
CAPACITY AS THE COMMISSIONER
OF THE TEXAS DEPARTMENT OF
AGING & DISABILITY SERVICES,
DEFENDANT.

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CIVIL NO. A-08-CA-071-LY

FINAL JUDGMENT

Before the Court is the above-styled cause of action. By Findings of Fact and Conclusions of Law signed this day, the Court has concluded that the Protection and Advocacy for Persons with Developmental Disabilities Act authorizes Plaintiff to access to Defendant's peer-review or death-review reports for purposes of investigating the death of an individual with a disability. Accordingly, the Court renders the following Final Judgment pursuant to Federal Rule of Civil Procedure 58.

IT IS ORDERED that **JUDGMENT** is **RENDERED** in favor of Plaintiff Advocacy, Incorporated.

IT IS FURTHER ORDERED that Defendant Adelaide Horn, her successors, officers, and agents are **PERMANENTLY RESTRAINED AND ENJOINED** from denying Plaintiff Advocacy, Incorporated access to peer-review and death-review reports regarding individuals who have died during their residence at any facility operated by the Texas Department of Aging and Disability Services.

IT IS FURTHER ORDERED that Defendant Adelaide Horn shall produce to Plaintiff Advocacy, Incorporated the peer-review and death-review reports of R.G. and A.P. **on or before April 16, 2009.**

IT IS FURTHER ORDERED that Plaintiff Advocacy, Incorporated is awarded costs in the prosecution of this cause. Plaintiff's request for attorney's fees is **DISMISSED WITHOUT PREJUDICE** to refiling in accordance with the Local Rule CV-7(I) of the Local Rules of the Western District of Texas.

IT IS FURTHER ORDERED that all other relief requested is **DENIED**.

IT IS FINALLY ORDERED that this action is hereby **CLOSED**.

SIGNED this 26th of March, 2009.


LEE YEAKEL
UNITED STATES DISTRICT JUDGE